

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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MATTHEW JOSEPH HOWARD,

Plaintiff,

v.

5:11-CV-01397

MICHAEL J. ASTRUE,  
COMMISSIONER OF SOCIAL SECURITY,

Defendant.  
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THOMAS J. McAVOY  
Senior United States District Judge

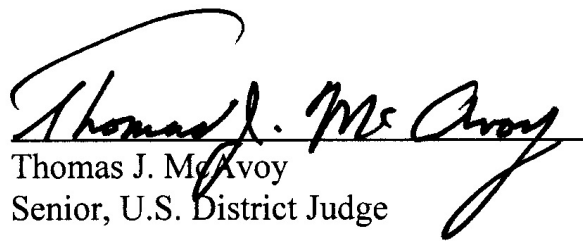
**DECISION & ORDER**

This matter brought pursuant to 42 U.S.C. § 405(g) was referred to the Hon. David E. Peebles, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

No objections to the January 22, 2013 Report-Recommendation were raised. After examining the record, the Court determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, the Court adopts the Report-Recommendation for the reasons stated therein.

It is, therefore, **ORDERED** that: (1) Plaintiff's motion for judgment on the pleadings be **GRANTED**; (2) the Commissioner's determination of no disability be vacated and the matter **REMANDED** for further proceedings consistent with this order. IT IS SO ORDERED.

Dated: March 25, 2013

  
Thomas J. McAvoy  
Senior, U.S. District Judge